

**TOWN OF DAVIE
TOWN COUNCIL AGENDA REPORT**

TO: Mayor and Councilmembers

FROM/PHONE: Mark A. Kutney, AICP, Development Services Director 954-797-1101
Prepared by: Marcie Oppenheimer Nolan, Deputy Planning and Zoning Manager

SUBJECT: LABC 05-1A/Davie TOC

AFFECTED DISTRICT: District 1

TITLE OF AGENDA ITEM:

AN ORDINANCE OF THE TOWN OF DAVIE, FLORIDA, APPROVING FOR TRANSMITTAL APPLICATION LABC-05-1A, AMENDING THE TOWN OF DAVIE COMPREHENSIVE PLAN BY ADDING THE LAND USE CATEGORY "TRANSIT ORIENTED CORRIDOR" AND ADDING NEW POLICIES RELATING TO THE TRANSIT ORIENTED CORRIDOR DESIGNATION; BY CHANGING THE FUTURE LAND USE MAP DESIGNATION OF CERTAIN LANDS FROM: "INDUSTRIAL", "COMMERCIAL", "COMMERCE/OFFICE", "COMMUNITY FACILITY", "RECREATION AND OPEN SPACE", "TRANSPORTATION", "UTILITY", AND "RESIDENTIAL 10 DU/ACRE" TO: "TRANSIT ORIENTED CORRIDOR"; PROVIDING FOR INCLUSION; PROVIDING FOR SEVERABILITY; AND, PROVIDING FOR AN EFFECTIVE DATE.

REPORT IN BRIEF:

A change to the Future Land Use Map (FLUM) and the Broward County Land Use Plan (BCLUP) is necessary to implement the community vision plan, known as the SR7/441 Corridor Master Plan, adopted by the Town Council on September 7, 2005, Resolution #2005-236 (see attachments "D&E"). The community vision plan was created as part of The State Road 7/U.S. 441 Strategic Master Plan charrette series conducted on July 17 - 23, 2004. The community vision plan was conducted to improve the economic and aesthetic conditions along the SR 7/US 441 corridor and to increase mobility along the corridor through enhanced transportation and land use coordination. The County's Transit Oriented Corridor was created, in part, to encourage pedestrian friendly and transit-supportive development along the SR 7/US-441 Corridor and to capture economic development potential of the corridor.

As a major north-south transit route, the SR 7/US 441 corridor has the County's highest transit ridership levels. Broward County Transit has recorded approximately 4.5 million annual riders on the State Road 7 Route 18. The corridor is currently designated by Broward County as a "Premium" transit corridor and major transit investments for Rapid Bus or Bus Rapid Transit service are proposed in the near term. Longer term projections indicate that light-rail

service may be provided along this designated premium transit corridor. Supporting land uses and densities are encouraged to enhance future transit investments. The existing Future Land Use Map designations along the corridor provide limited opportunity for transit-supportive development. The new future land use category will support transit oriented development.

The proposed Transit Oriented Corridor future land use category will provide the Town with the necessary mix of land uses, density and design that will encourage the creation of an environment that will promote transit usage and a sense of place currently lacking along the corridor. The proposed uses are consistent with the Urban Land Institute (ULI) regional Market Study conducted for the corridor and the charrette master plan.

The overall intent of the corridor is to provide for increased economic development through a mixed of office, industrial, retail and residential uses. The plan, as adopted by Town Council, indicates a mixture of land uses located around transit opportunities. At the time of adoption of the master plan by Town Council staff had identified a need for 3,200 residential units, in addition to the 228 units existing. Upon further review with property owners, private developers, and the need identified in the Urban Land Institute (ULI) report, staff has provided for two planning horizons for implementing the plan, as presented. The first planning horizon (<2015) will provide for 3,200 residential units and the second planning horizon (2015+) will provide for the remaining 3,000 residential units. The analysis prepared for this amendment included both planning horizons ensuring that approvals through the County and Department of Community Affairs results in a one-time approval for the entire master plan as presented. This one cumulative impact will then provide Town Council the ability to review and reassess the direction of the master plan prior to the 2015+ planning horizon to ensure compliance with the plan.

The table below represents the proposed planning horizons and potential development for the entire 925 acre amendment area.

	<u>Proposed intensity <2015</u>	<u>Proposed intensity 2015+</u>	<u>Existing intensity</u>	<u>Max. allowed</u>
Office:	1,100,000 square feet	600,000 sq.ft.	0	1,700,000 sq.ft.
Industrial/Flex:	700,000 square feet	500,000 sq.ft.	2.4 million sq.ft.	3.6 million* sq.ft.
Commercial	350,000 square feet	150,000 sq.ft.	100,000 sq.ft.	600,000 sq.ft.
Residential	3,200 dwelling units	3,000 D.U.	228 D.U.	6,228 D.U.
Hotel:	500 rooms	250 rooms	0	750 rooms

* office is included in the Industrial/Flex category for calculation purposes for existing intensity.

The proposed amendment will include changing the land use within this area to Transit Oriented Corridor (TOC) and adding policy amendments to the Future Land Use Element of the Town of Davie Comprehensive Plan as proposed in the attached ordinance and LUPA application. The policies, as proposed, address issues such as location and intensity of residential development, compatibility with existing industrial uses, coordination with the Broward County School Board, mitigation for transit, and available of water and wastewater.

Date of Notification: January 2 and February 6, 2006

Number of Notifications: 180

Planning Area: Planning Area 6 includes lands located south of SR 84, east of University Drive and north of Nova Drive together with lands located east of the Florida turnpike and west of SR 7, south of SR 84 and north of the south Town limits. The majority of this planning area is industrial zoned and land uses plan designated. There are small commercial parcels along SR corridor with one large retail center being located on the southeast corner of university Drive and SR 7. Commercial flex has been applied to industrial land use plan designation on both sides of Davie Road corridor between SR 84 and nova Drive. The Town is encouraging development and redevelopment if properties within this area to strengthen the Town's non-residential tax base for the future.

Concurrency Considerations:

Potable Water: The area of this amendment is located in the Town of Davie Utility Service Areas 9 and 4 and Ferncrest Utility. The current total capacity is 8.4 million gallons per day with a current demand of 4.763 MGD for the Davie facility and .874 MDG for the Ferncrest facility. A 4.0 MGD expansion is planned for the year 2009. The proposed land use amendment would result in a net increase in the demand for potable water in the amount of amount 2,470,000 gallons per day. Sufficient potable water capacity is available to serve the proposed amendment.

Wastewater Treatment and Disposal: The area of this amendment is located in the Town of Davie Utility Service Areas and 4. The facility has an existing capacity of 5 million gallons per day and a planned capacity of 7 MGD. Current projected demand is 3.58 million gallons per day (MGD) and a long range capacity of 9 MGD will be in service upon completion of two 2.0 MGD expansions by the year 2008. The amendment will result in a net increase in demand of 2,470,000 gallons per day. While at this time there is not sufficient wastewater capacity to serve the proposed amendment, the proposed plant expansion in 2008 will result in the required capacity. This expansion has been programmed for the 2006 fiscal year for design and 2007 for permitting and construction.

Solid Waste Disposal: The amendment is served by the Broward County's two (2) resource recovery facilities and the County Interim Contingency Landfill. The current capacity at the resource recovery facilities is 1.6 million tons per year and the Broward Interim Contingency Landfill has a capacity of 3,800,000 cubic yards. The proposed amendment will result in an increase in demand for solid waste in the amount of 127,400 lbs. per day. There is sufficient capacity to serve the future solid waste demands of the amendment area

Drainage: The Central Broward Water Control District (CBWCD) has jurisdiction over the drainage requirements for the amendment site. Pursuant to the CBWCD, the current level of service (LOS) is the twenty-five year design storm frequency, seventy-two hour duration rainfall density. The LOS for the maximum allowable discharge in the Western C-11 South Florida Water Management District (SFWMD) Canal Basin (where the CBWCD S-4 Canal outfalls) is $\frac{3}{4}$ " per acre per day. This amendment site operates at the adopted level of service. Adequate facilities are available to meet the needs of this project.

Local and Regional Traffic Circulation: The proposed amendment will have an adverse affect on traffic circulation. According to the results of the traffic analysis performed for the subject site, an increase in 8,662 average daily trips is projected. Analysis of the 2015 traffic forecasts including the amendments traffic indicates that there will be 3 failing links in the regional roadway network by the year 2015, Orange Drive, I-595 and SR7/441. The increase in trips also results in a level of service E for Griffin Road. The I-595 and SR7/441 corridors are identified for future transit programs by both the County and FDOT. The intent of the TOC land use category is to provide for transit as a viable alternative transportation option. The increase in residential density and non-residential intensity, as well as site design focusing on pedestrian connectivity, encourages residents and business owners to live and work in the same community, thereby reducing the overall trips on the road network. This land use category recognizes that transit supported by appropriate land use decisions has the potential of mitigating the technical increase in the number of vehicle trips.

Fire Protection: A new fire station is under construction on SR7/441 and will be provide the necessary services in this area.

Police Protection: The Town of Davie Police Department will have a police substation in the new fire station under construction in this area to provide required services.

School sites and pupil generation: The proposed amendment will have an increase in the number of school age students. In the <2015 planning horizon the amendment proposes to add 902 elementary school students, 547 middle school students, and 451 high school students. In the planning horizon 2015+ the amendment proposes to add 846 elementary school students, 513 middle school students, and 423 high school students. There are planned capacity improvements within the general area. A school site is identified on the SR7/441 corridor Master Plan and staff is working with the School Board to identify and construct a school site within this general amendment area.

Recreation and Open Space: The amendment will require an additional 158.40 acres of recreation and open space at the Town's adopted level of service of 10 acres per thousand population. The town currently exceeds the required LOS by 849.65 acres. However, all new residential units will be required to either dedicate open space or pay into the Town's recreation and open space fund.

Affordable Housing: Resolution 2005-236 required that 15% of all housing in the amendment area be affordable. The implementing policy language requires this 15% and provides for incentives, consistent with the Broward County Administrative Rules Document.

Applicable Goals, Objectives & Policies:

GOAL 2: Direct growth to identified Urban Development areas within Davie in order to discourage urban sprawl, reduce development pressures on rural lands, maximize the use of existing public facilities and centralize commercial, governmental, retail, residential and cultural activities.

OBJECTIVE 24

Identify urban redevelopment area(s) within Davie containing residential and non-residential uses, such as office, retail and community facility uses where public services and facilities are in place.

OBJECTIVE 25

Establish criteria which encourage development within urban redevelopment area(s) to promote economic development, increase housing opportunities, and maximize use of existing public facilities and services.

Policy: 25-8: Designated urban redevelopment area(s) must contain residential and non-residential uses, such as office, retail and community facility uses, and must be identified on the Davie Land Use Plan Map Series consistent with the following criteria:

- 1) Where any two areas meeting the criteria for designation as urban redevelopment area(s) are contiguous, they may be combined on the Davie Land Use Plan Map Series as one district geographical area for the purposes of permitting development pursuant to the goals, objectives and policies of the plan.
- 2) Designated areas may be expanded by an amendment to the Davie Land Use Plan provided that the proposed areas meet the criteria set forth below:
 - a) The boundaries and approximate acreage of the area must be identified.
 - b) Public facilities and services such as sewage treatment systems, schools, and recreation areas must be in place.
 - c) There must be availability of transportation facilities and mass transit service within a quarter mile of all areas, providing a headway of thirty minutes or less, and available at least 5 days a week.
 - d) There must be an analysis considering the impact of the urban redevelopment area on the Florida Intrastate Highway System and considering policies/programs to encourage alternatives to automobile travel on the Florida Intrastate Highway System such as, but not limited to, expansion of capacity and ridership on the Tri-Rail including expanded feeder bus service, expansion of bus service, creation of transportation management associations, the provision of local transit service within designated areas such as "trolleys", and/or improvement of pedestrian access to transit passenger facilities.
 - e) The area must be over 80% built-out, regularly served by mass transit and the subject of a locally approved revitalization/redevelopment plan.
 - f) Alternatively, in addition to meeting criteria a-e above, the area may be a designated Community Redevelopment Area.

FINDING OF FACT/STAFF ANALYSIS

The proposed amendment addresses the following criteria as identified in the Town of Davie Land Development Code Section 12-304:

1. The proposed change is not contrary to the adopted comprehensive plan.

The proposed change is consistent with Objective 4: to promote the development of an economically sound community and discourage urban sprawl. In addition, the recently adopted Evolution and Appraisal Report (EAR) stressed the importance of providing for affordable housing and increasing the economic vitality of the Town.

2. The proposed change would not create an isolated district unrelated and incompatible with adjacent or nearby districts.

The proposed change to Transit Oriented Corridor will not create an isolated district unrelated and incompatible with adjacent districts, as this area is adjacent to the Town's Regional Activity Center (RAC) land use category another urban infill area that encourages mixed uses and transit. The SR7/441 Corridor Master Plan indicates a bridge over the Turnpike to further integrate these two areas into a viable community center.

3. The existing boundaries are not illogically drawn in relation to existing conditions on the property proposed for change.

The existing boundaries are the result of annexations over the years and as such, are not illogically drawn in relation to the existing uses.

4. The proposed change will not adversely affect living conditions in the neighborhood or in the Town of Davie.

The proposed change will not adversely affect living conditions in the area as the existing residential areas serve as the foundation for the proposed residential nodes indicated in the SR7/441 plan and provided for in proposed Policy 26. Providing for more uses, such as retail and office, in this general area will also serve to enhance the livability of residents along this corridor.

5. The proposed change will not create an increase in automobile traffic congestion or otherwise affect public safety.

While the project is expected to increase the number of trips on the regional road network, the mixed use component with a focus on transit and pedestrian accessibility serves to reduce the need to access regional roads for local needs.

6. The proposed change is not expected to adversely affect other property values.

The proposed change is not expected to adversely affect other property values. This land use category allows for a mix of land uses and will serve to increase the marketability of property to better respond to market demands.

7. The proposed change will not be a deterrent to the improvement or development of other property consistent with the comprehensive plan as identified on the Future Land Use Map.

The proposed change will not be a deterrent to the improvement of other property as this amendment allows property owners a choice of redevelopment options, at the time they are ready to redevelop.

8. The proposed change will not constitute a grant of special privilege to an individual owner as contrasted with the welfare of the general public.

The proposed change does not constitute a grant of special privilege to an individual owner as contrasted to the general welfare. This amendment is sponsored by the Town and will provide for the general welfare, consistent with the goals of the Comprehensive plan and the SR7/441 Corridor Master Plan.

9. There are no reasons that the property cannot be used in accord with existing regulations.

There are no physical reasons why the property cannot be used in accordance with existing regulations. However, the Town adopted the SR7/441 Corridor Master Plan and the existing land uses do not provide for the implementation of the master plan.

10. The proposed land use designation is the most appropriate designation to enhance the Town's tax base, given the site location relative to the pattern of land use designations established on the Future Land Use Plan Map, appropriate land use planning practice, and comprehensive plan policies directing the location and distribution of land uses.

The proposed land use designation may be the most appropriate designation to enhance the Town's tax base given the site's location at the intersection of three major roadways: SR-7/441, I-595, and the Florida Turnpike. The SR7/441 Corridor Master Plan and ULI report recognize the increased economic potential of this corridor, consistent with the goals of the Town of Davie.

STAFF RECOMMENDATION/CONCLUSION

Based upon the finding of facts above, staff recommends approval of application LABC 05-1A subject to the following:

1. The creation of Land Development Regulations necessary to implement the TOC land use category for review by Town Council prior to the effective date of the adopting ordinance.
2. The initiation of an area-wide Development of Regional Impact (DRI) to implement the vision articulated in the SR7/441 Corridor Master Plan and the policies of the TOC, prior to the effective date of the adopting ordinance.

3. The completion of a road rights-of-way master plan for the SR7/441 Corridor prior to the effective date of the adopting ordinance.
4. An agreement with the Broward County School Board to ensure that all related school impacts fees are dedicated to this amendment area, prior to the effective date of the adopting ordinance.
5. Continued coordination with the Florida Department of Transportation to identify and provide for a transit stop along this corridor area.
6. Initiation of an area wide drainage master plan to ensure that urban redevelopment can occur consistent with the vision articulated in the SR7/441 Corridor Master Plan and the policies of the TOC, prior to the effective date of the adopting ordinance.

PREVIOUS ACTIONS: The Town Council approved the SR7/441 Corridor Master Plan on September 7, 2005 via R-2005-236.

CONCURRENCES: This item was approved by the LPA on January 11, 2006. This item was also approved by the Davie CRA at their January 30, 2006 meeting.

FISCAL IMPACT: There is no direct fiscal impact due to this application, as the fee has been waived by the Broward County Planning Council. The CRA has paid for the cost of the consultant in the preparation of this application.

RECOMMENDATION(S): Staff finds the subject application complete and suitable for transmittal to Town Council.

Attachment(s): 1) Ordinance, 2) Land Use Application, 3) Existing Future Land Use Map, 4) Proposed Future Land Use Map, 5) Aerial Map, 6) ULI report, and 7) SR7/441 Corridor Master Plan.

ORDINANCE NO. _____

AN ORDINANCE OF THE TOWN OF DAVIE, FLORIDA, APPROVING FOR TRANSMITTAL APPLICATION LABC-05-1A, AMENDING THE TOWN OF DAVIE COMPREHENSIVE PLAN BY ADDING THE LAND USE CATEGORY "TRANSIT ORIENTED CORRIDOR" AND ADDING NEW POLICIES RELATING TO THE TRANSIT ORIENTED CORRIDOR DESIGNATION; BY CHANGING THE FUTURE LAND USE MAP DESIGNATION OF CERTAIN LANDS FROM: "INDUSTRIAL", "COMMERCIAL", "COMMERCE/OFFICE", "COMMUNITY FACILITY", "RECREATION AND OPEN SPACE", "TRANSPORTATION", "UTILITY", AND "RESIDENTIAL 10 DU/ACRE" TO: "TRANSIT ORIENTED CORRIDOR"; PROVIDING FOR INCLUSION; PROVIDING FOR SEVERABILITY; AND, PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, The Town is a member of the State Road 7/441 Collaborative, a partnership of Broward County local government dedicated to improving the SR7 corridor by promoting economic vitality, aesthetic improvement, community redevelopment and safety; and

WHEREAS, the Town of Davie approved Resolution R-2005-236 on September 7, 2005 adopting the vision articulated in the master plan for State Road 7/441; and

WHEREAS, the Town Council of the Town of Davie desires to amend the future land use designation of the property listed below; and

WHEREAS, the Town Council of the Town of Davie desires to amend the Future Land Use Element of the Comprehensive Plan; and

WHEREAS, the Local Planning Agency of the Town of Davie held a public hearing on January 11, 2006, and the Town Council, held public hearings on February 15, 2006 and on the date of adoption of this Ordinance; and

WHEREAS, the required public hearing were noticed in accordance with the requirements of Section 12-303 of the Code of the Town of Davie, and Chapter 166.041(3)(c) Florida Statutes; and

WHEREAS, the Town Council after due consideration of all matters, hereby finds that the amendment is in conformance with the State Plan, Regional Plan and Broward County land Use Plan, and is internally consists with the Town of Davie Comprehensive Plan; complies with the requirements of the Local Government Comprehensive Planning and Land Development Regulation Act, and; and is in the best interest of the health, safety, and welfare of the residents of the Town of Davie.

NOW, THEREFORE, BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF DAVIE, FLORIDA:

Section 1: That the text of the Comprehensive Plan is hereby amended as described in Exhibit "A," attached hereto and made part hereof.

Section 2: That the future land use plan map designation for the property described and illustrated on Exhibit "B," attached hereto, be amended and changed from: "Industrial," "Commercial," "Commerce/Office," "Community Facility," "Recreation and Open Space," "Transportation," "Utility," "Residential 10 du/acre," to: Transit Oriented Corridor."

Section 3: That the future land use plan map hereto adopted by the Town Council be and the same is hereby amended to show the property described in Section 2, herein, as "Transit Oriented Corridor."

Section 4: Nothing in this land use plan amendment will impair or diminish the rights of the plaintiffs Hamilton M. and Blanche C. Forman Christian Foundation, et.al. accorded in that certain Settlement Agreement dated November 12, 1985 incorporated into that certain Amended Final Judgment dated November 26, 1985 and recorded in Official Records Book 13014 at Page 825 of the public records of Broward County, as amended by that certain Agreed Modified Final Consent Judgment dated December 15, 1993.

Section 5: All ordinances or parts of ordinances in conflict herewithin are to the extent of such conflict hereby repealed.

Section 6: If any section, subsection, sentence, clause, phrase, or portion of this Ordinance is, for any reason, held invalid or unconstitutional by any Court of competent jurisdiction, such portion shall be deemed a separate, distinct, and independent provision and such holding shall not affect the validity of the remaining portion of this Ordinance.

Section 7: The effective date of this plan amendment shall be the date a final order is issued by the Department of Community Affairs of Administrative Commission finding the amendment in compliance with Section 163.3184, F.S. The Department of Community Affairs' notice of intent to find the plan amendment in compliance shall be deemed to be a final order if no timely petition is filed challenging the amendment.

PASSED FIRST READING THIS _____ DAY OF _____, 2006.

PASSED SECOND READING THIS _____ DAY OF _____, 2006.

MAYOR/COUNCILMEMBER

ATTEST:

TOWN CLERK

APPROVED THIS _____ DAY OF _____, 2006.

**Due to the size of the attachments, the
documents are available for review in the
Town Clerk's Office**